

### REMARKS

In response to the Office Action mailed July 3, 2003, applicants respectfully request reconsideration. Claims 1, 3, 10, 12, 14, 16, 17, 31, and 35 are amended herein, and claims 9 and 13 have been canceled. Claim 2 was previously cancelled. Claims 1, 3-8, 10-12 and 14-35 are now pending in this application, of which claims 1, 17 and 35 are independent claims. The application as presented is believed to be in allowable condition.

Applicant's Representative wishes to thank the Examiner for confirming on July 18, 2003 via voicemail that the July 3, 2003 Office Action was properly Non-final as stated on page 14 of the Office Action.

Line 17 of page 8 of the specification has been amended to correct a reference number typographical error.

#### A. Claim Objections

The Office Action objects to claim 1 because of a grammatical error. The word "removable" has been deleted from claim 1.

#### B. Drawing Objection

The Office Action states that the drawings are objected to under 37 CFR 1.83(a). The Examiner states that the seal attached to the sealing ring must be shown or the feature canceled from claims 7 and 22. Claims 7 and 22 do not claim a seal attached to a sealing ring. Instead, claims 3 and 18, from which claims 7 and 22 respectively depend, recite a sealing ring that effects an air-tight seal between the cover and the container portion. A sealing ring (76) mounted on an outer periphery (8) is shown in Figures 1 and 12. Accordingly, withdrawal of this objection is respectfully requested.

#### C. Rejections under 35 U.S.C. §112

The Office Action rejects claims 1, 3-8, 13 and 31 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have deleted a clause from claim 1 such that claim 1 now recites that the stopper includes a flap having a portion that removably fills the

opening. Claim 1, as presented, is believed to be clear enough to satisfy the statute. Claim 13 has been deleted. Claim 31 has been amended to recite that the stopper includes a flap having a portion that removably fills the opening. Claim 31, as presented, is believed to be clear enough to satisfy the statute. Accordingly, withdrawal of the rejection of claims 1, 13, and 31 is respectfully requested.

Claim 3 has been amended to depend from claim 1. Accordingly, withdrawal of the rejection of claims 3-8 is respectfully requested.

#### D. Rejections under 35 U.S.C. §102

The Office Action states that claims 1, 3 and 9-16 are rejected under 35 U.S.C. §102(b) as being anticipated by Molo '978. Applicants respectfully traverse this rejection. Claims 9 and 13 have been canceled and thus the rejection is moot with respect to claims 9 and 13. Because of the cancellation of claims 9 and 13, claims 10, 12, 14 and 16 have been amended to depend from claim 1.

The Examiner contends that Molo teaches a cover with a stopper that allows the cover to be removed from the container when the stopper is in the open position by releasing the airtight seal. When the stopper is in the open position, the cover of Molo is not removable because the peripheral mounting flange (16) of Molo prevents the cover from being removed even though no airtight seal exists. Nevertheless, solely to further prosecution, Applicants have amended claim 1 to recite a handle disposed in the body portion. The handles of Molo (see Figure 1 of Molo) are not disposed in the body portion. Instead, they are provided on the outer edge of the peripheral mounting flange (16), not on the panel (14). Accordingly, withdrawal of the rejection of claims 1, 3, 10-12, and 14-16 is respectfully requested.

The Office Action states that claims 17-21, 23-25, 27-30 and 34-35 are rejected under 35 U.S.C. §102(e) as being anticipated by Ogino '732. Applicants respectfully traverse this rejection.

Applicants arguments with respect to this rejection are presented in their response to the Office Action mailed on April 2, 2003. Solely to further prosecution, Applicants have amended claims 17 and 35 to recite that the outer edge of the cover extends only to the inner surface of the sidewall. The peripheral edge (17) of Ogino clearly extends beyond an inner surface of the

container. Therefore, for at least this reason, Ogino does not anticipate independent claims 17 and 35, and withdrawal of this rejection is respectfully requested. Claims 18-21, 23-25, 27-30 and 34 depend either directly or indirectly from claim 17, and withdrawal of this rejection also is respectfully requested.

F. Rejections under 35 U.S.C. §103

The Office Action states that claims 1, 3-6, 8-21, 23-25 and 27-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ogino '732 in view of Molo '978. Claims 9 and 13 have been canceled and thus the rejection is moot with respect to these claims.

The Examiner contends that it would have been obvious to one of ordinary skill in the art to substitute the vent means of Ogino with the vent means of Molo. If the vent means (34) of Molo were to be implemented with the cover of Ogino, the cover of Ogino would have no handle. Claim 1, as amended, recites a handle disposed in the body portion. Therefore, the combination of Ogino and Molo does not render independent claim 1 obvious. Accordingly, withdrawal of this rejection is respectfully requested. Claims 3-6, 8, 10-12, and 14-16 depend from claim 1, and therefore withdrawal of this rejection is respectfully requested.

Claims 17 and 35 have been amended to recite that the outer edge of the cover extends only to the inner surface of the sidewall. The peripheral edge (17) of Ogino and the peripheral mounting flange (16) of Molo clearly extend beyond an inner surface of the respective containers. For at least this reason, the rejection of claims 17 and 35 should be withdrawn. Claims 18-21, 23-25, and 27-34 depend directly or indirectly from claim 17 and withdrawal of the rejection of these claims is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
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